

SENATE, No. 3412

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JANUARY 31, 2019

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Senator DAWN MARIE ADDIEGO

District 8 (Atlantic, Burlington and Camden)

SYNOPSIS

Requires DCA to produce and maintain database and interactive map concerning residential properties under foreclosure; increases certain recording fees as funding mechanism.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning residential properties under foreclosure,
2 supplementing P.L.2008, c.127 (C.55:14K-82 et al.).
3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*
6

7 1. a. The Department of Community Affairs shall produce a
8 database with an interactive mapping component which details, and
9 provides a graphic representation to allow the department to
10 visualize, the extent to which residential properties in this State are
11 under foreclosure pursuant to the “Fair Foreclosure Act,” P.L.1995,
12 c.244 (C.2A:50-53 et seq.). The department shall develop, maintain,
13 and update the database in real time based upon information
14 submitted to the department by, and in cooperation with, the
15 Administrative Office of the Courts pursuant to section 2 of this act,
16 and information obtained from any other public sources.

17 b. The database shall contain, and the map shall represent:

18 (1) The location of each residential property under foreclosure
19 by county, municipality, lot and block number;

20 (2) the current owner of record;

21 (3) the date that the notice of intention to foreclose is filed;

22 (4) the date the foreclosure complaint is filed;

23 (5) the date of judgment of foreclosure; and

24 (6) the date of any deed transfer pursuant to a sheriff’s sale and
25 the name of the purchaser.
26

27 2. The Administrative Office of the Courts shall provide the
28 Department of Community Affairs with as much of the information
29 listed in subsection b. of section 1 of this act with respect to the
30 property as is reasonably available from records maintained by, or
31 accessible to, the office. The information shall be provided in real
32 time in a format, electronic or otherwise, as is useful to the
33 department to develop, maintain and update the database and map
34 required by section 1 of this act.
35

36 3. As of the effective date of this act, the revenue from
37 additional fees for recording deeds and lis pendens fees collected by
38 county clerks and registers of deeds and mortgages and received by
39 the Department of Community Affairs, pursuant to subsection b. of
40 section 2 of P.L.1965, c.123 (C.22A:4-4.1), shall be deposited into
41 a separate fund within the department and shall only be used by the
42 department for the purpose of developing, maintaining, and
43 updating the database created pursuant to section 1 of this act.
44

45 4. In addition to each fee for the recording of a deed or a lis
46 pendens collected by county clerks and registers of deeds and
47 mortgages pursuant to section 2 of P.L.1965, c.123 (C.22A:4-4.1)
48 and any other rule, regulation, or law, an amount of \$30 shall be

1 collected by the county clerks and registers of deeds and mortgages
2 on the recording of each deed or lis pendens. The revenues obtained
3 from these increased amounts, after deduction of any actual
4 administrative costs incurred by county clerks and registers of
5 deeds and mortgages in carrying out the provisions of this
6 subsection, shall be transmitted quarterly by the office of the county
7 clerk or register of deeds and mortgages, as appropriate, to the
8 Department of Community Affairs for the purposes set forth in
9 sections 1 through 3 of this act.

10
11 5. This act shall take effect on the first day of the seventh
12 month next following the date of enactment.

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15 STATEMENT

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17 This bill requires the Department of Community Affairs to
18 produce a database with an interactive mapping component which
19 details, and provides a graphic representation to allow the
20 department to visualize, the extent of foreclosed properties in the
21 State. The database shall be developed, maintained and updated in
22 real time based upon information submitted to the department by
23 the Administrative Office of the Courts, and information obtained
24 from any other public sources.

25 The database shall contain, and the map shall represent:

- 26 (1) the location of each residential property under foreclosure by
27 county, municipality, lot and block number;
28 (2) the current owner of record;
29 (3) the date that the notice of intention to foreclose is filed;
30 (4) the date the foreclosure complaint is filed;
31 (5) the date of judgment of foreclosure; and
32 (6) the date of any deed transfer pursuant to a sheriff's sale and
33 the name of the purchaser.

34 The Administrative Office of the Courts shall provide the
35 Department of Community Affairs with as much of the information
36 required by this bill with respect to the property as is reasonably
37 available from records maintained by, or accessible to, the office.
38 The information shall be provided in real time in a format,
39 electronic or otherwise, as is useful to the department to develop,
40 maintain and update the database and map required by this bill.

41 To pay for the database, the bill establishes a \$30 fee to be
42 collected for the recording of deeds and lis pendens by county
43 clerks and registers of deeds and mortgages on the recording of
44 each deed and lis pendens. The increased fee will be in addition to
45 fees already collected pursuant to current law. This bill provides
46 that the county clerk or registrar shall deduct any actual
47 administrative costs incurred in collecting and transmitting these
48 increased amounts, and then transmit the remainder of the revenue,

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1 each quarter, to the Department of Community Affairs for the
2 purposes of developing, maintaining, and updating the database of
3 foreclosed properties established by the bill. The deduction of
4 incurred expenses would avoid claims that the collection and
5 disbursement of the additional fees constitute an unfunded State
6 mandate.